IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 951 of 2007()

CRA.577/2005 of II ADDL. SESSIONS COURT, PALAKKAD
ST.2707/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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REVN. PETITIONER: APPELLANT/ACCUSED:

V. ESWARAN, S/O.VEERAMUTHU,
RAILWAY QUARTESRS, NO.6/B,
OLD RAILWAY COLONY, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. HAMZA, S/O.IBRAHIM,
BAVA NIVAS, INDUSTRIAL ESTATE,
OLAVAKKODE, PALAKKAD.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.951 of 2007

Dated this the 7th day of March, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of three months and to pay a compensation of Rs.50,000/- to the complainant vide Section 357(3) of Code of Criminal Procedure and in default, to undergo simple imprisonment for two months.

2. I find that the only evidence in support of the case raised by the revision petitioner is his own testimony, which is hardly sufficient to rebut the statutory presumptions. In the circumstances, there is no scope for interference in the findings of the court below and R.P. is liable to dismissed in limine.

3. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is affirmed. Revision petitioner is granted four months' time from today

onwards to make the payment of compensation. Revision petitioner shall appear before Judicial First Class Magistrate Court-III, Palakkad on 10.7.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl